

2005 SENATE BILL 272

August 1, 2005 – Introduced by Senators LEIBHAM and BRESKE, cosponsored by Representatives FREESE, ALBERS, KESTELL, BIES, PETROWSKI, DAVIS, OTT, SEIDEL, MCCORMICK, LEHMAN, POPE-ROBERTS, VAN AKKEREN and HAHN. Referred to Committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform.

1 **AN ACT** *to renumber* 43.52 (1m); *to renumber and amend* 43.53 (2); *to amend*
2 43.12 (1), 43.12 (2), 43.15 (1) (a), 43.15 (4) (a), 43.15 (4) (c) 6. and 43.24 (6); and
3 **to create** 43.15 (4) (c) 7., 43.15 (4) (c) 8., 43.15 (4) (c) 9., 43.15 (5), 43.17 (12),
4 43.52 (1m) (b), 43.53 (2) (a) and (b) and 43.53 (4) of the statutes; **relating to:**
5 the organization and funding of public libraries and public library systems and
6 granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill makes various changes to the statutes governing the organization and funding of public libraries, including the following:

1. Currently, if the territory within a public library system has a population of less than 100,000 as a result of the withdrawal or realignment of participating municipalities or counties, the system must realign with an existing system within two years. This bill provides that, if a system has fewer than three participating counties and a population of less than 200,000 as a result of the withdrawal or realignment of participating counties, the system must realign with an existing system within two years.

2. Current law requires a public library system to employ a head librarian who is certified by the Department of Public Instruction (DPI). Under this bill, the head librarian must be present in the library for at least ten hours each week that the library is open, less leave time.

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3. Beginning in 2008, the bill requires a public library system to spend at least \$2,500 annually on library materials and be open to the public an average of 20 hours each week.

4. The bill allows a public library system to adopt a plan requiring a participating public library to compensate another participating public library whenever the latter public library provides library services to residents of the municipality or county that maintains the former public library.

5. The bill allows two public library systems to merge with the approval of each system board and the county boards of the participating counties. Under current law, the approval of 51 percent of the participating public libraries in the system is also required.

6. The bill prohibits a public library system from being established if its establishment would cause the number of systems to exceed the number in existence on the bill's effective date.

7. Under this bill, if a city or village that is entirely located in a county that maintains a consolidated public library for the county wishes to establish a new public library or participate in a joint library, it must, in addition to the existing requirements, obtain the approval of the county library board and the county board of supervisors. If either disapproves, the city or village may appeal the decision to DPI.

8. Under this bill, joint library agreements must do all of the following:

a. Include a procedure for adjusting the membership of the board to ensure that it remains representative of the populations of the participating municipalities.

b. Name one of the participants as the library's fiscal agent.

c. Include a procedure for the distribution of the library's assets and liabilities if the library is dissolved.

9. The bill provides that, if a joint library is created on or after the bill's effective date, each municipality and county participating in the joint library must levy a tax for public library service at the same rate.

10. Under current law, a county (other than a county with a population of at least 500,000) that does not maintain a consolidated public library for the county and that contains residents who are not residents of a municipality that maintains a public library must pay to each public library in the county an amount equal to at least 70 percent of the cost of library use by these county residents. This bill requires that these payments also be made to each public library in an adjacent county, other than a county with a population of at least 500,000.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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1 43.12 (1) By March 1 of each year, a county that does not maintain a
2 consolidated public library for the county under s. 43.57 and that contains residents
3 who are not residents of a municipality that maintains a public library under s. 43.52
4 or 43.53 shall pay to each public library in the county and to each public library in
5 an adjacent county, other than a county with a population of at least 500,000, an
6 amount that is equal to at least 70% of the amount computed by multiplying the
7 number of loans reported under sub. (2) by the amount that results from dividing the
8 total operational expenditures of the library during the calendar year for which the
9 number of loans are reported, not including capital expenditures or expenditures of
10 federal funds, by the total number of loans of material made by the public library
11 during the calendar year for which the loans are reported.

12 **SECTION 2.** 43.12 (2) of the statutes is amended to read:

13 43.12 (2) By July 1 of each year, each public library lying in whole or in part
14 in a county shall provide a statement to the county clerk of that county and to the
15 county clerk of each adjacent county, other than a county with a population of at least
16 500,000, that reports the number of loans of material made by that library during
17 the prior calendar year to residents of the county, or adjacent county, who are not
18 residents of a municipality that maintains a public library under s. 43.52 or 43.53
19 and the total number of loans of material made by that library during the previous
20 calendar year.

21 **SECTION 3.** 43.15 (1) (a) of the statutes is amended to read:

22 43.15 (1) (a) Have a population of 100,000 or more. If, because of the
23 withdrawal or realignment of participating ~~municipalities or counties,~~ a public
24 library system has fewer than 3 participating counties and a population under
25 ~~100,000~~ 200,000, the remaining parts of the system shall realign with an existing

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1 system within 2 years after the date on which the population falls below 100,000
2 200,000.

3 **SECTION 4.** 43.15 (4) (a) of the statutes is amended to read:

4 43.15 (4) (a) A public library system may be organized as a single-county
5 federated public library system, a multicounty federated public library system, or a
6 single-county consolidated public library system. Two public library systems may
7 merge with the approval of each public library system board, and the county boards
8 of the participating counties ~~and 51% of the participating public libraries in the~~
9 ~~system.~~

10 **SECTION 5.** 43.15 (4) (c) 6. of the statutes is amended to read:

11 43.15 (4) (c) 6. Employs a head librarian ~~holding current public library~~
12 ~~certification from~~ who is certified as a public librarian by the department of public
13 ~~instruction and whose employment requires that he or she be present in the library~~
14 for at least 10 hours of each week that the library is open to the public, less leave time.

15 **SECTION 6.** 43.15 (4) (c) 7. of the statutes is created to read:

16 43.15 (4) (c) 7. Beginning in 2008, annually is open to the public an average of
17 at least 20 hours each week.

18 **SECTION 7.** 43.15 (4) (c) 8. of the statutes is created to read:

19 43.15 (4) (c) 8. Beginning in 2008, annually spends at least \$2,500 on library
20 materials.

21 **SECTION 8.** 43.15 (4) (c) 9. of the statutes is created to read:

22 43.15 (4) (c) 9. If the public library system board has adopted a plan under s.
23 43.17 (12), participates in that plan.

24 **SECTION 9.** 43.15 (5) of the statutes is created to read:

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1 43.15 (5) LIMIT. A public library system may not be established if its
2 establishment would cause the number of public library systems to exceed the
3 number in existence on the effective date of this subsection [revisor inserts date].

4 **SECTION 10.** 43.17 (12) of the statutes is created to read:

5 43.17 (12) COMPENSATION PLAN FOR INTERMUNICIPAL LENDING. A public library
6 system board may adopt a plan requiring a participating public library to
7 compensate another participating public library whenever the latter public library
8 provides library services to residents of the municipality or county that maintains
9 the former public library. The plan's compensation for each loan may not exceed the
10 actual cost of the loan, as defined by the department by rule. If a public library
11 system board adopts a plan under this subsection, it shall incorporate the plan into
12 the written agreement under s. 43.24 (2) (a).

13 **SECTION 11.** 43.24 (6) of the statutes is amended to read:

14 43.24 (6) In submitting information under s. 16.42 for purposes of the biennial
15 budget bill, the department shall include an amount for the appropriation under s.
16 ~~20.255 (3) (e) public library services~~ for each fiscal year of the fiscal biennium equal
17 to 13% of the total operating expenditures for public library services, in territories
18 anticipated to be within all systems in the state, from local and county sources in the
19 calendar year immediately preceding the calendar year for which aid under this
20 section is to be paid. The amount shall include a recommendation for the
21 appropriation under s. 20.255 (3) (e) and recommendations for the funding of other
22 public library services, as determined by the department in conjunction with public
23 libraries and public library systems.

24 **SECTION 12.** 43.52 (1m) of the statutes is renumbered 43.52 (1m) (a).

25 **SECTION 13.** 43.52 (1m) (b) of the statutes is created to read:

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1 43.52 **(1m)** (b) Any city or village that is entirely located in a county that
2 operates and maintains a consolidated public library for the county under s. 43.57,
3 and that desires to establish a new public library or participate in a joint library
4 under s. 43.53, shall, in addition to the requirement under sub. (1), obtain the
5 approval of the county library board, if one exists, and the county board of
6 supervisors before final action is taken. The county library board and the county
7 board of supervisors shall render decisions within 90 days of the request being
8 received. The common council or village board may appeal to the state
9 superintendent a decision of the county library board or the county board of
10 supervisors that disapproves the participation by the city or village in a joint library
11 with a municipality located in another county. The state superintendent shall hold
12 a public hearing on the appeal within 60 days after receiving notice of the appeal.
13 The state superintendent shall publish a class 1 notice under ch. 985 of the hearing
14 and shall also provide notice of the hearing to the common council or village board,
15 the county board of supervisors, and the county library board. The state
16 superintendent shall decide the appeal within 30 days after the adjournment of the
17 public hearing.

18 **SECTION 14.** 43.53 (2) of the statutes is renumbered 43.53 (2) (intro.) and
19 amended to read:

20 43.53 **(2)** (intro.) Joint library agreements under sub. (1) shall contain
21 provisions necessary to establish a library board under s. 43.54, including a
22 procedure for adjusting the membership of the board to ensure that it remains
23 representative of the populations of the participating municipalities, as shown by the
24 most recent federal census, under s. 43.54 (1m) (a) 1.; perform the duties under s.

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1 43.58; and own and operate the physical facilities. A joint library agreement shall
2 also do all of the following:

3 **SECTION 15.** 43.53 (2) (a) and (b) of the statutes are created to read:

4 43.53 **(2)** (a) Name one of the participants as the library's fiscal agent, who is
5 responsible for the payroll, benefit administration, insurance, and financial record
6 keeping and auditing for the library. The participant's costs of providing the services
7 under this paragraph count toward the financial support required of the participant
8 under s. 43.15 (2) (b) or (4) (b) 2. or (c) 5.

9 (b) Include a procedure for the distribution of a joint library's assets and
10 liabilities if the joint library is dissolved.

11 **SECTION 16.** 43.53 (4) of the statutes is created to read:

12 43.53 **(4)** If a joint library agreement is entered into on or after the effective date
13 of this subsection [revisor inserts date], each municipality and county
14 participating in the joint library shall levy a tax for public library service at the same
15 rate.

16 **SECTION 17. Initial applicability.**

17 (1) (a) The treatment of section 43.15 (1) (a) of the statutes first applies to any
18 withdrawal or realignment that occurs on the effective date of this paragraph.

19 (b) The treatment of section 43.15 (4) (a) of the statutes first applies to mergers
20 occurring on the effective date of this paragraph.

21 (c) The treatment of section 43.15 (4) (c) 6. of the statutes first applies to
22 employment contracts entered into on the effective date of this paragraph.

23 (d) The renumbering of section 43.52 (1m) of the statutes and the creation of
24 section 43.52 (1m) (b) of the statutes first apply to final action on the establishment

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1 of a new public library or on the participation in a joint library that is taken on the
2 effective date of this paragraph.

3 (e) The renumbering and amendment of section 43.53 (2) of the statutes and
4 the creation of section 43.53 (2) (a) and (b) of the statutes first apply to joint library
5 agreements entered into, modified, or renewed on the effective date of this
6 paragraph.

7 (f) The treatment of section 43.12 (1) and (2) of the statutes first applies to
8 payments made by March 1, 2008, for library services provided in 2006 and reported
9 to county clerks by July 1, 2007.

10 **SECTION 18. Effective dates.** This act takes effect on the day after publication,
11 except as follows:

12 (1) The treatment of section 43.12 (1) and (2) of the statutes takes effect on July
13 1, 2006.

14 (END)